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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO;
AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO, et al.,

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**NOTICE OF ERRATA AND CORRECTED
DECLARATION OF LEANDRA BAILEY**

PLEASE TAKE NOTICE that Plaintiffs hereby submit this notice of errata, correcting the formatting of exhibits to the Declaration of Leandra Bailey (filed March 7, 2025 as Dkt. 70-1). The reformatted Declaration including exhibits is attached hereto as Exhibit A.

DATED: March 7, 2025

Respectfully submitted,

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By: /s/ Danielle E. Leonard

Danielle E. Leonard

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Attorneys for Plaintiff State of Washington

Exhibit A

1 Scott A. Kronland (SBN 171693)
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20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF
24 GOVERNMENT EMPLOYEES, AFL-CIO;
25 AMERICAN FEDERATION OF STATE
26 COUNTY AND MUNICIPAL EMPLOYEES,
27 AFL-CIO; et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

DECLARATION OF LEANDRA BAILEY

1 I, Leandra Bailey, declare the following under penalties of perjury:

2 1. I am over 18 years of age and competent to give this declaration. This declaration is
3 based on my personal knowledge, information, and belief.

4 2. I served as a Physical Science Information Specialist at the U.S. Department of
5 Agriculture (“USDA”) Forest Service from March 24, 2024 until February 13, 2025, when I was
6 terminated. I was a probationary employee, and my probationary period was to end on March 25, 2025.

7 3. Throughout my service for the federal government, I received positive performance
8 reviews and positive feedback from my supervisors, with no negative remarks on my record. In
9 recognition of my performance, my supervisor had submitted the necessary paperwork for my
10 promotion to the next GS level. A true and correct copy of my most recent performance review, dated
11 September 30, 2024 is attached as Exhibit A.

12 4. On February 13, 2025, I received a memorandum from Deedra Fogel, the Director of
13 Human Resource Management at the USDA Forest Service, informing me that I was being removed
14 from my position. A true and correct copy of the memorandum I received is attached as Exhibit B.

15 5. Following my termination, my Department Head provided me with a physical copy of
16 a Forest Service briefing paper titled *Probationary and Trial Period Offboarding Procedures*. The
17 memorandum stated that, “All federal agencies, including the Department of Agriculture, were notified
18 on February 12, 2025, **by the Office of Personnel Management (OPM) to terminate all employees**
19 who have not completed their probationary or trial period.” A true and correct copy of the briefing
20 paper I received is attached as Exhibit C.

21 6. I am aware that another team member received the exact same termination
22 memorandum.

23
24 I declare under penalty of perjury under the laws of the United States that the foregoing is true
25 and correct. Executed this 7 day of March in Albuquerque, New Mexico.

26
27
28 _____
Leandra Bailey

EXHIBIT A

UNITED STATES DEPARTMENT OF AGRICULTURE
**PERFORMANCE PLAN AND APPRAISAL
 FOR NON-SUPERVISORS**

1. EMPLOYEE INFORMATION					
Name (Last, First, MI)	Pay Plan	Series	Grade	Agency	APPRAISAL PERIOD
BAILEY, LEANDRA K	GS	1301	09	FOREST SERVICE	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">From</div> <div style="width: 45%;">To</div> </div>
Position Title				Division	
PHYS SCI INF SPECLST				SOUTHWESTERN REGION, REGION 3	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">03/24/2024</div> <div style="width: 45%;">09/30/2024</div> </div>

2. USA AND AGENCY OR STAFF OFFICE STRATEGIC GOALS AND MANAGEMENT INITIATIVES
 (List all current USDA, Agency, and/or Staff Office Strategic Goals or Management Initiatives that the elements and standards in this plan support.)

Department Goals added: 09/29/2023
 Department Goals updated: 09/30/2024

USDA Strategic Goals FY 2022 - 2026
 USDA Strategic Goal 1: Combat Climate Change to Support America's Working Lands, Natural Resources, and Communities
 USDA Strategic Goal 2: Ensure America's Agricultural System is Equitable, Resilient, and Prosperous
 USDA Strategic Goal 3: Foster an Equitable and Competitive Marketplace for All Agricultural Producers
 USDA Strategic Goal 4: Make Safe, Nutritious Food Available to All Americans
 USDA Strategic Goal 5: Expand Opportunities for Economic Development and Improve Quality of Life in Rural and Tribal Communities
 USDA Strategic Goal 6: Attract, Inspire, and Retain an Engaged and Motivated Workforce that's Proud to Represent USDA

Visit the following link by copying and pasting into your browser to see the full USDA Strategic Plan: [USDA.gov/our-agency/about-usda/performance](https://usda.gov/our-agency/about-usda/performance)

3. ELEMENT NO. 1: MISSION RESULTS-ORIENTED
 (Describe below the element title and duty or responsibility for which the employee is accountable and responsible. In addition, this element must be link to USDA, Agency, and/or Staff Office Goals or Management Initiatives. See "Alignment" sections below.)

☒ Critical

Demonstrates a commitment and personal responsibility to strive for excellence in the accomplishment of work assignments that are aligned with and ultimately contribute to the achievement of the agency's mission and goals.

4. ALIGNMENT, STANDARDS AND MEASURES

ALIGNMENT (In the "Goal/Initiative" section below, list the specific Goals and/or Initiatives that this Mission Results-Oriented Element supports).	STANDARDS AND MEASURES (Describe the expectations at the "Fully Successful" level. Include appropriate measures of quality, quantity, cost-effectiveness, timeliness and/or manner of performance.)
--	--

Goal/Initiative:

FS Goals
 Agency Goal added: 09/29/2023
 Agency Goal updated: 10/12/2023

FOREST SERVICE STRATEGIC GOALS

- Sustain our Nation's Forests and Grasslands working Environment
- Deliver Benefits to the Public
- Apply Knowledge Globally
- Excel as a High-Performing Agency

FOREST SERVICE NATIONAL PRIORITIES

- Providing Economic Relief
- Tackling Climate Change
- Advancing Racial Equity
- Improving Our Workforce and Work Environment

Aligns to USDA Department-Level Goal/Objective(s)-
 USDA 1.1 - Use Climate-Smart Management and Sound Science to Enhance the Health and Productivity of Agricultural Lands
 USDA 1.3 - Restore, Protect, and Conserve Watersheds to Ensure Clean, Abundant, and Continuous Provision of Water
 Resources
 USDA 6 - Attract, Inspire, and Retain an Engaged and Motivated Workforce that's Proud to Represent USDA

Standards and Measures for Fully Successful: All of the following must be met to achieve "Meets Fully Successful" rating for this element

The following generic standards for the Mission Results-Oriented element are provided for all employees. Supervisors shall provide additional and specific supplemental standards to the employee's position.

- Contributes to achieving agency goals and objectives using all available resources.
- Performs duties in a nondiscriminatory manner and demonstrates a commitment to equal employment opportunity and equal opportunity for all, to include federally recognized tribes and Alaskan Native corporations.
- Makes recommendations and develops solutions that demonstrate positive approaches to complete work assignments.
- Routinely informs supervisor of problems and challenges that arise.
- Ensures that reported information is adequate, reliable, verifiable, and useful.
- Program actions taken, and interactions with colleagues, customers, and other stakeholders are consistent with the principles in USDA's Civil Rights Statement, and with all related anti-discrimination laws, regulations, and USDA policies.

5. ACCOMPLISHMENTS (At the end of the rating period, record the employee's accomplishments for this element.)

Fully Successful Level:

6. ELEMENT RATING (At the end of the rating period, compare the employee's performance with the standards and assign an element rating.)	<input checked="checked" type="checkbox"/> Fully Successful <input type="checkbox"/> Does Not Meet
7a. ELEMENT NO. 2 (Describe below the element title and duty or responsibility for which the employee is accountable and responsible.)	<input checked="checked" type="checkbox"/> Critical
MANAGING WORK ASSIGNMENTS Ensures work assignments are achieved in a timely manner and by using all available resources to accomplish the organizational mission.	
List of current assignments: Region 3 Wildlife Corridors and Priority Landscapes Arizona Trail Collaboration Incorporation of Pavor data back into NRM, Collaboration with Forest GIS Office Hours Navigating GIS and Photogrammetry in the Southwestern Region Webinars GIS Video Tutorials R3 FS Data on the Web Page. Run FME workspaces and post data	
7b. STANDARDS (Describe the expectations at the "Fully Successful" level. Include appropriate measures of quality, quantity, cost-effectiveness, timeliness and/or manner of performance.) FULLY SUCCESSFUL LEVEL All of the following must be met to achieve the "Meets Fully Successful" rating for this element	
The following generic standards for the Managing Work Assignments element are provided for all employees. Supervisors can provide additional and specific supplemental standards to the employee's position (if needed).	
a. Applies knowledge and skills to independently perform assignments; prioritizes work effectively; and seeks guidance as appropriate. b. Routinely accomplishes program goals within established timelines; adapts to changing priorities. c. Properly follows all security and cyber-security procedures to protect government property, equipment, and information systems.	
7c. ACCOMPLISHMENTS (At the end of the rating period, record the employee's accomplishments for this element.)	
Fully Successful Level:	
Weekly layer file script WWW GIS data web page update. Monthly Arizona Trail Coordination Wildlife Mule Deer AGOL Web map Regional GIS SharePoint site. Nearing completion	
7d. ELEMENT RATING (At the end of the rating period, compare the employee's performance with the standards and assign an element rating.)	<input checked="checked" type="checkbox"/> Fully Successful <input type="checkbox"/> Does Not Meet
8a. ELEMENT NO. 3 (Describe below the element title and duty or responsibility for which the employee is accountable and responsible.)	<input checked="checked" type="checkbox"/> Critical
WORK ENVIRONMENT AND SAFETY Work to improve organizational safety and health and reinforce a healthy working environment that fosters a positive atmosphere of cooperation and trust.	
8b. STANDARDS (Describe the expectations at the "Fully Successful" level. Include appropriate measures of quality, quantity, cost-effectiveness, timeliness and/or manner of performance.) FULLY SUCCESSFUL LEVEL All of the following must be met to achieve the "Meets Fully Successful" rating for this element	
The following generic standards for the Work Environment and Safety element are provided for all employees. Supervisors can provide additional and specific supplemental standards to the employee's position (if needed).	
a. Shows respect for and considers diverse viewpoints; follows up to ensure understanding. b. Uphold the agency's Code & Commitments to treat everyone with respect, empower one another, invest in relationships, model integrity, protect one another, and learn from mistakes. c. "Do right" in how you treat colleagues and when engaging with people and communities we serve by utilizing effective interpersonal skills that increase trust and inspire engagement. d. Proactively manage and resolve conflict, seek out and utilize necessary tools to do so in a manner that is timely, positive, and constructive. e. Demonstrate collaboration and flexibility to build effective partnerships, such as: sharing experience and expertise with others; actively listening; and seeing opportunities to improve or maintain efficiencies of program of work. f. Follow all workplace safety procedures. Promptly report to your supervisor any obstacles or instances where safety procedures cannot be followed. g. Promptly report to your supervisor or second-line supervisor any condition(s) that impact the work environment and/or your safety and health. h. Participate in unit safety committee activities and safety training opportunities. i. Maintain awareness of your personal wellbeing and take necessary steps and actions preserve your wellness and resilience.	
8c. ACCOMPLISHMENTS page-break (At the end of the rating period, record the employee's accomplishments for this element.)	
Fully Successful Level:	
8d. ELEMENT RATING (At the end of the rating period, compare the employee's performance with the standards and assign an element rating.)	<input checked="checked" type="checkbox"/> Fully Successful <input type="checkbox"/> Does Not Meet

13. CERTIFICATION OF EMPLOYEE INVOLVEMENT AND RECEIPT OF PLAN

(Signatures certify employee involvement in the development of, and receipt of plan which reflects the current position description)

NOTE: Employees are requested to sign and date below to certify receipt of this performance plan. A signature does not mean that you agree or disagree with the contents of the plan. However, failure to sign does not void contents or the performance expectations documented within this plan. In addition, employees must select, below, the appropriate level of participation in the development of this plan.

Employee's Signature

Electronically signed in EPMA by
BAILEY, LEANDRA K.
PHYS SCI INF SPECLST

Date

04/18/2024



I participated in the development of this performance plan.



I was not invited to participate in the development of this performance plan.



I chose to not participate in the development of this performance plan.

If the employee did not sign, state the reason below:

Supervisor's Signature

Electronically signed in EPMA by
CRAWFORD, RICHARD D.
BIOLCL INF SPECLST

Date

04/18/2024

Reviewer's Signature (Optional)

Electronically signed in EPMA by
BOGART, CANDACE
PHYS SCNTST

Date

04/18/2024

14. CERTIFICATION OF PERFORMANCE PROGRESS REVIEWS

(All quarterly progress reviews are required)

	Employee's Signature	Date	Supervisor's Signature	Date
First Quarter (Oct 1-Dec 31)	N/A	N/A	N/A	N/A
Second Quarter (Jan 1-Mar 31)	Electronically signed in EPMA by BAILEY, LEANDRA K. PHYS SCI INF SPECLST for conversation held 03/29/2024	06/28/2024	Electronically signed in EPMA by CRAWFORD, RICHARD D. BIOLCL INF SPECLST for conversation held 03/29/2024	06/28/2024
Third Quarter (Apr 1-Jun 30)	Electronically signed in EPMA by BAILEY, LEANDRA K. PHYS SCI INF SPECLST for conversation held 06/28/2024	06/28/2024	Electronically signed in EPMA by CRAWFORD, RICHARD D. BIOLCL INF SPECLST for conversation held 06/28/2024	06/28/2024
Fourth Quarter (Jul 1-Sep 30)	Electronically signed in EPMA by BAILEY, LEANDRA K. PHYS SCI INF SPECLST for conversation held 09/25/2024	10/07/2024	Electronically signed in EPMA by CRAWFORD, RICHARD D. BIOLCL INF SPECLST for conversation held 09/25/2024	09/25/2024

15. RATING OFFICIAL COMMENTS

<p>Official Comments</p>

UNITED STATES DEPARTMENT OF AGRICULTURE
PERFORMANCE APPRAISAL

1. Position Number	2. Pay Plan	3. Occupational Series	4. Grade
91435782	GS	1301	09

5. Name (Last, First, Middle Initial - No Nicknames)

BAILEY, LEANDRA K

6. Appraisal Period

From:

03/24/2024

To:

09/30/2024

7. Official Position Title

PHYS SCI INF SPECLST

8. Agency / Division / Office

FS/SOUTHWESTERN REGION, R-3/DEPUTY
REGIONAL FORESTER

9. Duty Station (City, State):

ALBUQUERQUE, NM

10. Performance Elements**11A
Critical
Element****11B
Meets Fully
Successful****11C
Does Not meet
Fully
Successful**

1)

Mission Results Oriented - Employee

☒☒☐

2)

Managing Work Assignments - Employee

☒☒☐

3)

Work Environment and Safety - Employee

☒☒☐

4)

☒☐☐

5)

☒☐☐

6)

☒☐☐

7)

☒☐☐

12. Rating: Type



Rating Of Record



Interim Rating



Out Of Cycle Rating (WGI ONLY)

13. Summary RatingRating Of **Fully Successful** if all elements are rated Meets Fully SuccessfulRating Of **Unacceptable** if any element is rated Does Not Meet Fully Successful

Fully Successful



Unacceptable

14. Employee's SignatureElectronically signed in EPMA by BAILEY, LEANDRA K. PHYS SCI
INF SPECLST

Date

10/07/2024

If the employee did not sign, state reason

15. Rating Official Signature (REQUIRED)Electronically signed in EPMA by CRAWFORD, RICHARD D. BIOLCL
INF SPECLST

Date

09/30/2024

16. Reviewing Official Signature (REQUIRED)Electronically signed in EPMA by BARTSCHI, PAUL F. SUPVY GEO
SYS SPECLST

Date

09/30/2024

EXHIBIT B



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

February 13, 2025

MEMORANDUM FOR: LEANDRA BAILEY, PHYS SCI INF SPECLST, GS-1301-09

FROM: DEEDRA FOGLE
Director, Human Resource Management

SUBJECT: Notification of Termination During Probationary Period

REFERENCES: 5 U.S.C. § 7511
5 U.S.C. § 3321(a)
5 U.S.C. § 2102
5 CFR § 212.101
5 C.F.R. §§ 315.803, 315.804, and 315.806
Departmental Regulation 4020-250-1

This is to provide notification that the Agency is removing you from your position of PHYS SCI INF SPECLST and federal service consistent with the above references.

On 3/24/2024, the Agency appointed you to the position of PHYS SCI INF SPECLST as documented on your appointment Standard Form 50 (SF-50), your appointment is subject to a probationary/trial period. The agency also informed you of this requirement in the job opportunity announcement for the position.

Guidance from the Office of Personnel Management ("OPM") states, "An appointment is not final until the probationary period is over," and the probationary period is part of "the hiring process for employees."¹ "A probationer is still an applicant for a finalized appointment to a particular position as well as to the Federal service."² "Until the probationary period has been completed," a probationer has "the burden to demonstrate why it is in the public interest for the Government to finalize an appointment to the civil service for this particular individual."³

The Agency finds, based on your performance, that you have not demonstrated that your further employment at the Agency would be in the public interest. For this reason, the Agency informs you that the Agency is removing you from your position of PHYS SCI INF SPECLST with the Agency and the federal civil service effective immediately.

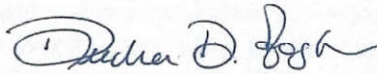
¹ OPM, *Practical Tips for Supervisors of Probationers*.

² See U.S. Merit Systems Protection Board Report to the President and Congress, *The Probationary Period: A Critical Assessment Opportunity* (August 2005)

³ *Id.*

You may have a right to file an appeal with the Merit Systems Protection Board (MSPB) on the limited grounds set forth in 5 C.F.R. § 315.806. Any such appeal must be filed within 30 days of the effective date of this decision or 30 days after the date of your receipt of this decision, whichever is later. You should review MSPB regulations at 5 C.F.R. §§ 1201.14 and 1201.24 for instructions on how to file an electronic appeal and content requirements of the appeal, respectively. For more information, please visit www.mspb.gov or contact your local MSPB regional or field office.

We appreciate your service to the Agency and wish you the greatest of success in your future endeavors. If you have any off-boarding questions, please contact your Supervisor; or Human Resources Management Contact Center at 877-372-7248, Opt. 2 for questions regarding your benefits. For any other questions, please contact sm.fs.hrm_elr@usda.gov.



DEEDRA FOGLE

Director, Human Resource Management

EXHIBIT C

FOREST SERVICE BRIEFING PAPER
FEBRUARY 13, 2025

Topic:	Probationary and Trial Period Offboarding Procedures
From:	Human Resources Management (HRM)

Issue: Uniform delivery and communication to notify employees being terminated under probationary or trial period status

Background: All federal agencies, including the Department of Agriculture, were notified on February 12, 2025, by the Office of Personnel Management (OPM) to terminate all employees who have not completed their probationary or trial period. To ensure that all employees are notified, and receive appropriate due process, below are recommendations to appropriately offboard impacted employees. Employees will be given written notice of termination, and this briefing paper assists supervisors with an orderly offboarding.

Recommended Briefing Points for Supervisor/Leader Discussions with Employees:

- OPM directed agencies to separate Probationary employees starting 2/13/25
- OPM has advised that probationary employees are not eligible for the Deferred Resignation Program
- Based on this direction it is necessary to start providing notices of separation to employees in probationary and trial period positions starting 2/13/25.
- You have been identified as a Probationary employee impacted by this direction.
- Written notice that includes additional information about your separation will be provided by HRM
- Termination date is effective on the date employees receive notification.
- An orderly offboarding process is critical to successfully closing out your employment. An offboarding checklist is available at the link below.
- Personal support resources through the Employee Assistance Program continue to be available up to six (6) months after separation.
- Additional resources are listed below.

Recommended Resources:

- Offboarding Checklist: <https://fsweb.wo.fs.fed.us/hrm/offboarding/index.php#two>
- Employee Assistance Program (EAP) Website: <https://ForestServiceEAP.com>
Acentra, LLC
Phone # 1-833-621-2989
<https://foresteap.personaladvantage.com/portal/landing?a=1>
Password: USFS
Available up to 6 months after separation
- Health Benefits (FEHB): The employee's enrollment will terminate, subject to a 31-day extension of coverage.

- For more information or for issues please create a HR Help case using one of the methods below:
 Phone: (877) 372-7248 (Select Option 2)
 Email: HRM.Contact.Center@usda.gov
 eFax: (866) 377-4168
- Career One Stop (Sponsored by Department of Labor): <https://www.careeronestop.org/>

Offboarding Instructions for Employees (per HRM website)

- **FS-6100-0139 Employee Separation Accountability Form (formerly AD-139)**
 You must complete FS-6100-0139 Employee Separation Accountability Form (formerly AD-139), attached, before leaving the Forest Service or there may be a delay in your lump sum payment. See the Office of Personnel Management site for information on <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/factsheets/lump-sum-payments-for-annual-leave/>.
- **Government Equipment, Computers, and Mobile Devices**
 Return all government equipment, computers, and mobile devices to your supervisor or to the nearest Forest Service office with your supervisor's name and contact information.
- **Employee Personal Page (EPP)**
 You will have access to the Employee Personal Page (EPP) website for 18 months. You will only have view and download capability. Self-service options will not be available. The EPP system provides access to personal information such as statement of earnings and leave, tax withholding, health benefits, financial allotments, W-2, and other personal information. Before separating, take note of your current EPP user ID, password, and link to EPP: <https://www.nfc.usda.gov/EPPS/eplogin.aspx>
- **Contact Information**
 Before separating, <https://www.nfc.usda.gov/EPPS/eplogin.aspx> to change your work email and phone to your personal information. If you are unable to log in before your separation, you may contact HR Help for assistance.
 The first time you log in to EPP after you separate, the system will prompt you to set up a [Login.gov](https://www.login.gov) account. You will need to use your EPP ID and password to initially access Login.gov.
- **Gather Important Personal Documents**
 If you're leaving the agency, make sure you save any of the personal documents you may need such as SF-50s, performance appraisals, or others. You may need these to apply for another job, apply for unemployment benefits, or for other reasons. If you are unable to log in to save these documents before your separation you may contact HR Help for assistance.
- **Unemployment**
 You will need this [SF-8 Unemployment form](#) and use it to apply at a state office. If your state is experiencing issues getting a wage report from the Forest Service, contact your state claims manager and recommend they contact the Employers Edge State Agency Response Center (SARC) Team at 1-866-675-3856 or resubmit the claim through the automated Employers Edge system.
- **Electronic Official Personnel Folder (eOPF)**

Log in to ConnectHR to access your SF-50 in eOPF, and access Enterprise Performance Management Application (EPMA) for performance records.

- **Benefits Information**

<https://www.opm.gov/healthcare-insurance/life-events/job/im-leaving-federal-service-not-retiring/>

- **Thrift Savings Plan Information**

<https://www.tsp.gov/changes-in-your-career/leaving-the-federal-government/>